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PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032
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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	
	First Inventor	
	Title	
	Express Mail Label	

ELLIOTT
CYCLONIC SEPARATOR FOR MIST
COLLECTOR
EU 680314775 US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. ☒ Fee Transmittal Form (e.g., PTO/SB/17) (w/o fee)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 35]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. Oath or Declaration [Total Pages]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: **LETTER TO EXAMINER**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No. 09 930,770

Prior application Information:

Examiner HOPKINS

Group Art Unit: 1724

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

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Name (Print/Type)	Keith Frantz	Registration No. (Attorney/Agent)	37828
Signature	<i>Keith Frantz</i>	Date	6-25-03

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21905 U.S. PTO
10/606149
06/25/03

17439 U.S. PTO
06/25/03

PTO/SB/17 (01-03)
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FEE TRANSMITTAL for FY 2003		Complete if Known	
Effective 01/01/2003. Patent fees are subject to annual revision.		Application Number	CIP of 09/930,770
		Filing Date	CIP filed 08/15/2001
		First Named Inventor	ELLIOTT
		Examiner Name	HOPKINS
		Art Unit	1724
		Attorney Docket No.	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT		(\$)	681

<p>METHOD OF PAYMENT (check all that apply)</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</p> <p><input type="checkbox"/> Deposit Account: NO FEE ENCLOSED</p> <p>Deposit Account Number: _____</p> <p>Deposit Account Name: _____</p> <p>The Commissioner is authorized to: (check all that apply)</p> <p><input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments</p> <p><input type="checkbox"/> Charge any additional fee(s) during the pendency of this application</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p> <p style="text-align: center;">FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>1001 750</td> <td>2001 375</td> <td>Utility filing fee</td> <td>375</td> </tr> <tr> <td>1002 330</td> <td>2002 165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>1003 520</td> <td>2003 260</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>1004 750</td> <td>2004 375</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>1005 160</td> <td>2005 80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$) 375</td> </tr> </tbody> </table> <p>2. 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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Keith Frantz	Registration No. (Attorney/Agent)	37828
Signature		Telephone	815-987-9820
		Date	

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Inventor: ELLIOTT)	
)	
Title: CYCLONIC SEPARATOR FOR MIST)	
COLLECTORS)	
)	
Serial No. _____)	Examiner HOPKINS, Robert A.
)	
Filing Date: _____)	Group Art Unit 1724

LETTER TO EXAMINER ACCOMPANYING CIP APPLICATION

Mail Stop - PATENT APPLICATION - CIP
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This letter accompanies a continuation-in-part patent application of U.S. Patent Application 09/930,770, filed 08/15/2001.

For the examiner's convenience, a marked-up copy of the original specification, showing the changes from the original specification to the continuation-in-part specification is included herewith. The formatting of the continuation-in-part specification has been changed from the original application, including addition of paragraph numbers to the specification.

Briefly, the CIP application adds an alternate embodiment separator, shown in new Figures 9-15, and discussed in detail in paragraphs [0046] through [0052] of the CIP specification. This embodiment provides for, among other things, an alternate flow interrupter in the form of a drop-down chamber. The remainder of the specification has been revised for conformance with the addition of this alternate embodiment.

The CIP application contains 40 claims. For the examiner's reference:

- CIP claims 1-7 correspond to original claims 1-7, with CIP claim 7 modified per the amendment in the original application as responsive to a 112 objection in the office action in the original application,
- Original claims 1-7 were rejected in the office action; they have, however, been re-presented in the CIP application for the reasons discussed below;
- CIP claims 8-13 correspond to claims 8 and 10-14 as allowed in the original application;
- CIP claims 14 and 16-19 correspond generally to claims 15-19 as allowed in the original application, EXCEPT that recitation to a flow restrictor is not presented in CIP claim 14, in conformance with the alternate embodiment of the CIP application, recitation to the flow restrictor is now presented in CIP claim 15 which depends from claim 14, and CIP claim 20 presents recitation to the alternate embodiment flow interrupter of the CIP application.
- CIP claims 21-26 correspond to claims 26-31 as allowed in the original application;
- CIP claims 27-40 are additional claims to which Applicant believes he is entitled.

Claims 20-25 of the original application, that were first presented in an amendment to the application, do not find correspondence in CIP claims. The claims 20-25 were presented in response to a rejection of original claim 1 and indication of allowability of original claim 7 dependent therefrom.

Specifically, original claim 1 was rejected as under 35 U.S.C. § 103(a) as being unpatentable over Nutter (US 3,885,935) in view of Brereton (US 1,411,606). In response to this 103 rejection, claim 1 was amended to include the limitations of dependent claim 2 which was indicated allowable, and new independent claim 20 (along with dependent claims 21-25) was presented with the combined limitations of original claim 1 and dependent claim 7 which was also indicated allowable in the Office Action.

Upon further review of this matter, Applicant does not believe the 103 rejection of claim 1 was appropriate.

The 103 rejection of claim 1 in the original application was based on Nutter (US 3,885,935) in view of Brereton (US 1,411,606). In particular, and among other things, the position in the office action was that it would have been obvious to provide the flow interrupter of Brereton into the separator of Nutter "so that the liquid is deflected from a centrifugal motion into the drain hole [of Nutter] for collection."

However, applicant does not believe the suggested combination would have been obvious. The separator of Nutter includes a collection chamber 10 from which liquid flows into the drain hole 12/14. The collection chamber is separated from the air flowing through the separator by barrier element 30. Thus, in Nutter, the liquid in the collection chamber is already separated from the air flowing through the separator, and from this collection chamber it flows into the drain hole. And it is the barrier element 30 that is to prevent the liquid from leaving the collection chamber and re-entering the air flow stream. In contrast, Brereton teaches to position a flow interrupter element in the air stream to separate the contaminate from the flowing air. In other words, Brereton teaches an interrupter to separate contaminate from the air flowing through the device, and Nutter separates the liquid from the air stream and contains it in the collection chamber. Therefore, there is no motivation to provide the flow interrupter of Brereton in the collection chamber for the reason taught in Brereton because the contaminate is already separated from the air flow.

Nor is the motivation suggested in the office action supported by either Brereton or Nutter or the other prior art of record. The specification of Nutter indicates quite extensive testing and experimentation was performed on the device, and the downcomer pot 12 addressed the need for collection of the liquid from the collection chamber. The Nutter specification further indicates that the downcomer pot "gives the liquid a longer residence time in the apparatus for gravitational separation of the liquid and the vapor phases" (col. 4, lines 58-60). Addition of the flow interrupter of Brereton to this arrangement, as suggested in the office action, is not only not warranted, but would tend to defeat the desired "residence time" in the downcomer pot by redirecting and disrupting the flow patterns therein.

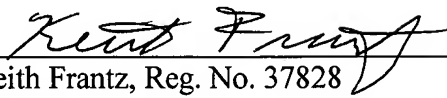
Therefore, applicant respectfully submits that the combination suggested in the office action to reject original claim 1 is not supported or warranted, was made in hindsight in view of the original application, and was therefore improper.

Accordingly, applicant has represented original claims 1-7 for further consideration by the examiner, and not re-presented claims 20-25 of the original application.

In view of the foregoing, the claims in the CIP application are allowable over the prior art of record, and covers all embodiments of the application.

Applicant thanks the examiner for the Notice of Allowability on the original application, and looks forward to favorable consideration of the CIP application.

Respectfully submitted,



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